

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HONG M. NGUYEN,)	
)	
Plaintiff,)	Civil Action No. 18-156
)	Judge David Stewart Cercone /
v.)	Chief Magistrate Judge Maureen P. Kelly
)	
HOLDING ACQUISITION CO. LP <i>doing</i>)	
<i>business as</i> RIVER CASINO,)	
)	Re: ECF No. 1
Defendant.)	

ORDER

Hong Manh Nguyen (“Plaintiff”) filed a Motion for Leave to Proceed In Forma Pauperis (the “IFP Motion”) in order to prosecute a civil complaint against “Holding Acquisition Co. LP” doing business as Rivers Casino, a gaming establishment in Pittsburgh, Pennsylvania. ECF No. 1.

The case was referred to Chief Magistrate Judge Maureen Kelly in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

Chief Magistrate Judge Kelly’s Report and Recommendation (the “Report”), ECF No. 2, filed on February 12, 2018, recommending that the IFP Motion be denied because Plaintiff failed to carry his burden to show entitlement to proceed IFP given that he had spent more than \$4000.00 on gambling in the ten days preceding the filing of this case. Service of the Report was made upon Plaintiff at his address of record. Plaintiff was informed that he could file Objections to the Report by March 1, 2018. Plaintiff filed Objections. ECF No. 4.

In the Objections, Plaintiff does not deny that he spent over \$4000.00 in gambling within 10 days prior to filing the instant suit. He claims only that “[a]ll my credit card [sic] now

was lock.” Id. at 1. Nothing in the Objections convinces this Court that Plaintiff does not have the means to pay the filing fee for the instant suit.

Accordingly, after de novo review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 14th day of May, 2018;

IT IS HEREBY ORDERED that the Motion for Leave to Proceed in Forma Pauperis is DENIED. Plaintiff is ORDERED to pay the entire filing fee of \$400.00 by June 1, 2018. Plaintiff is warned that failure to pay the entire filing fee by June 1, 2018, will result in the dismissal of this civil action for failure to prosecute without further warning.

s/ DAVID STEWART CERCONE

David Stewart Cercrone

Senior United States District Judge

cc: The Honorable Maureen P. Kelly
Chief United States Magistrate Judge

Hong M. Nguyen
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(Via First Class Mail)

Mariah L. Passarelli, Esquire
(Via CM/ECF Electronic Mail)